

C. Remarks

The claims are 1-14, with claims 1 and 10 being independent. Claims 2-4, 11 and 12 have been withdrawn from consideration as being directed to non-elected species. Claims 1 and 10 have been amended to better define the present invention and to address section 112 issues. Support for this amendment may be found throughout the specification, for example, in Table 1. No new matter has been added. Reconsideration of the claims is expressly requested.

Claims 1, 5-10, 13 and 14 stand rejected under 35 U.S.C. § 112, first paragraph, for allegedly not complying with the written description requirement. In particular, the Examiner alleged that some recitations in claims 1 and 10 are not supported by the originally filed specification. Applicants respectfully submit that claims 1 and 10, as presently amended, fully comply with the written description requirement.

Specifically, “CN1-CyN4” has been changed to --CyN1-CyN3--, and the definition of CyN4 has been included in accordance with the specification, i.e., a cyclic group comprising 8-quinoline or its derivative, having a nitrogen atom connected to M. Also, the second recitation of “CyN1-CyN4” has been changed to --CyC1-CyC3--.

With respect to Tn1, Tn3 and Np, the structural formulas have been corrected in accordance with the specification.

With respect to the definition in part I), Applicants have clarified all recited conditions.¹ Applicants note that part I) is represented, for example, by Ex. Comp. Nos. 362-370 in Table 1.

^{1/} Applicants note that even though the parts in claims 1 and 10 have been renumbered to reflect the deletion of parts C)-E) and J), for simplification, the following discussion refers to original designations.

With respect to part O), Applicants clarified that only R₂ and R₄ can be CF₃ and R₁ can be CH₃, in accordance with Ex. Comp. Nos. 571-598.

Claims 1, 5-10, 13 and 14 stand rejected under 35 U.S.C. § 112, second paragraph, as being allegedly indefinite. Applicants respectfully submit that the above amendments to claims 1 and 10 fully address this rejection.

With respect to the definitions of CyN1-CyN4, the above-mentioned amendment to the definitions addresses this issue.

With respect to the two different structures being labeled Pz, Applicants have amended the definitions to indicate that the structure connected to M through a carbon atom is Pz1 and the structure connected to M through a nitrogen atom is Pz2.

With respect to the definition of L', formula (6) has been added to its general definition in accordance with the structure in, for example, part B).

With respect to parts K) and P), the addition of the correct definition of CyN4, as mentioned above, is believed to be sufficient to resolve this matter.

With respect to part D), since this part has been deleted, the rejection is moot.

With respect to part G), the first recitation of "CyC3" has been changed to --CyN3--.

With respect to part I), the above amendment, as mentioned above with respect to the section 112, first paragraph, rejection is believed to be sufficient to resolve this issue.

With respect to parts O) and P), Applicants have clarified that these parts are alternatives.

Claims 1, 5-10, 13 and 14 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2001/019782 A1 (Igarashi '782). Claims 1, 5-10, 13 and 14 stand rejected under 35 U.S.C. § 103(a) as being allegedly obvious from Igarashi. Claims 1, 5-10, 13 and 14 stand rejected under 35 U.S.C. § 102(e) as being allegedly anticipated by U.S. Patent Application Publication No. 2002/0034656 A1 (Thompson). The grounds of rejection are respectfully traversed.

The Examiner used Igarashi and Thompson to reject the present claims based on the alleged disclosure regarding parts C)-E) and J) in claims 1 and 10. To expedite prosecution, and without prejudice, Applicants have deleted parts C)-E) and J) from claims 1 and 10. Therefore, Applicants respectfully submit that neither Igarashi nor Thompson discloses or suggests the structures as are now claimed.

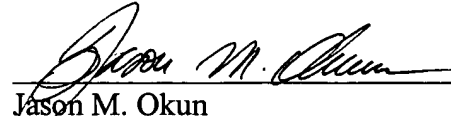
Wherefore, Applicants respectfully request that the outstanding rejections be withdrawn and the present case be passed to issue.

This Amendment After Final Rejection should be entered, because it places the case in allowable form. Alternatively, this Amendment places the case in better form for a possible appeal.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our

address given below.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jason M. Okun", is written over a horizontal line.

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